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AND
BRIEFS

Supreme Court, U.S.
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(2)

Docket Number 10-1126

In The

Supreme Court of the United States

JACOB C. SPRINGER, US Army (Ret.) —
Petitioner

v.

STEVE PERRYMAN, IN HIS OFFICIAL CAPACITY AS CIRCUIT JUDGE, RANDOLPH COUNTY, ALABAMA, JOHN A. TINNEY, DEBORAH HILL BIGGERS, And THOMAS DICK, REPRESENTING STATE FARM MUTUAL INSURANCE COMPANY —
Respondent

ON A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

PETITION FOR REHEARING

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1. Principle of *Stare Decisis*

PETITION FOR REHEARING

Pursuant to Rule 44 of the Supreme Court Rules, Petitioner Jacob C. Springer, U.S. Army (Ret), Pro Se, respectfully petitions this court for Rehearing.

Petitioner respectfully request that the Supreme Court also take into account other aspects of this case, not emphasized in the Writ, but that nevertheless weigh just as heavily as those that were expounded upon in the Writ of Certiorari.

1. Failure of the respondents to respond to the Writ of Certeriori

2. Violation of my due process rights

3. Insufficient representation rendered Perryman's judgment non-binding

4. The Principle of Stare Decisis

The failure of all the respondents named in the petition to respond to my Writ of Certiorari, has served to concurrently deny me the right to be heard.

By the individuals choosing to waive their right to respond to a complaint registered against them, where is their loyalty to the Constitution? In particular with respect to Judge Perryman, who has a duty to God to look out for the poor as well as the rich; by hiding behind the protection of the Fifth Amendment, this leaves questions unanswered as to his dedication and integrity to the Constitution, and places two Constitutional rights, the 5th and the 7th Amendment squarely at odds.

Additionally, aside from my Constitutional right to a Trial by a Jury, this case also fails on another front: namely, Due Process of Law. This case has progressed through several appeals, without any regard to any of the errors in due process of law.

The Supreme Court has held that "a fundamental requirement of due process is 'the opportunity to be heard.' "It is an opportunity which must be granted at a meaningful time and in a meaningful manner." Armstrong v. Manzo, 380 US 545, 552 (1965).

It is my strenuous assertion that the refusal of the respondents to answer the Writ further renders me completely devoid of all due process rights with respect to any quest for a satisfactory resolution of this case.

In RICHARDS ET AL. v. JEFFERSON COUNTY, ALABAMA, ET AL - 517 U.S. 793 (1996), The Supreme Court in a unanimous decision authored by Justice John Paul Stevens, ruled that because Richards and others received neither notice of, nor sufficient representation in, the Bedingfield litigation, that adjudication, as a matter of federal due process, may not bind them and thus cannot bar them from challenging an allegedly unconstitutional deprivation of their property.

> "We are not now concerned with the rights of the plaintiff on the merits, although it may be observed that the plaintiff's claim is one arising under the Federal Constitution and, consequently, one on which the opinion of the state court is not final .... Our present concern is solely with the question whether the plaintiff has been accorded due process in the

> primary sense,-whether it has had an opportunity to present its case and be heard in its support .... [W]hile it is for the state courts to determine the adjective as well as the substantive law of the State, they must, in so doing, accord the parties due process of law. Whether acting through its judiciary or through its legislature, a State may not deprive a person of all existing remedies for the enforcement of a right, which the State has no power to destroy, unless there is, or was, afforded to him some real opportunity to protect it." Id., at 681-682.

While this particular case was related to a property tax issue, the central theme revolved around deprivation of the petitioner's due process rights as a result of insufficient notice and insufficient representation. However, ultimately the whole court clearly agreed that both these factors served to deprive the petitioner's from the right to be heard and in effect rendered the lower court's judgment non-binding.

While my case differs from the above case in terms of subject matter, it is very similar in that I was without representation when the "Forced Settlement" hearing was allegedly conducted.

The irony of this Writ also lies in the fact that technically, there are no facts to re-examine, because there has never been a trial, there has never been any facts entered into the records, and no jury Forman verdict forms.

It is my position that when Attorney Thomas Dick entered a motion for a mis-trial, and it was granted and the jury dismissed, this case should have be re-scheduled for trial on the next docket, and proceeded accordingly.

Instead, a year later, Attorney Dick moved for a "forced settlement" hearing and it was granted, without due process of law.

The failure of the respondents to respond is clearly incriminating. If there was no conspiracy, no unethical conduct, no judicial mis-conduct, then the logical question is "Why would all the respondents waive their right to respond?"

The U.S. Supreme Court has upheld that "the action against ... private parties accused of conspiring with the judge is not subject to dismissal. Private persons, jointly engaged with state officials in a challenged action, are acting "under color of law..."

"...Historically at common law, judicial immunity does not insulate from damages liability those private persons who corruptly conspire with a judge..."

Finally, Petitoner strongly beseeches the court to take into account, CBOCS West, Inc. v. Humphries, a Supreme Court case which relied heavily on the principle of stare decisis, or adherence to prior Court decisions, in reaching its conclusion.
The Court has been provided an abundance of case law, which clearly indicates that the principle of Stare Decises should govern its decision in this case as well.

CONCLUSION

By virtue of respondents' failure to respond to the Writ of Certiorari, and the failure of due process, this case is due to be re-examined by the Supreme Court.

Either way we look at this whole case, whether as lay-persons, or legal professionals, the fact that three Judges from the 11th Circuit — Barkett, Marcus, and Anderson — agreed with me after examining the evidence, that my assertions were true; and then four Justices agreed the case was cert worthy, is strong enough to warrant re-examination and/or rehearing.

At the same time, the petitioner was required to mail each respondent a copy of a waiver. Once the individuals received the waiver, they had the option of either answering the complaint or waiving the right to respond – which they all did.

Now that they have waived their rights, this leads to the question, "What have they done so incriminating that would cause them to waive their rights?"

Petitioner Jacob C. Springer, Pro Se further believes it to be in the public interest for this case to be thoroughly reviewed, because inherent in this case is the likelihood that any citizen's Constitutional rights can be abridged by Judges acting in concert with unethical attorneys.

Since this was a Civil action, this question can only be answered by granting a rehearing and compelling the respondents to answer.